

REMARKS

This application has been reviewed in light of the Office Action dated December 15, 2003. Claims 1-14 are presented for examination, of which Claims 1, 13, and 14 are in independent form. Favorable reconsideration is requested.

Claims 1-3, 8, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,233,251 (*Kurobe et al.*), and Claims 4-7 and 9-12 were rejected under Section 103(a) as being unpatentable over *Kurobe et al.* in view of U.S. Patent No. 5,375,068 (*Palmer et al.*).

Applicant has carefully studied the prior art in light of the outstanding Office Action, but finds himself unable to agree with the Examiner's position. Applicant strongly asserts that nothing has been found, or pointed out, in *Kurobe et al.* that would teach or suggest that image data is divided into packets dependent upon a ratio of an amount of image data to an amount of sound data, as recited in Claims 1, 13, and 14. This feature is supported by Fig. 3 and the description thereof in the specification.¹

Applicant's reasons for disagreeing with the Examiner's comments are as follows.

As discussed previously, *Kurobe et al.* relates to a multiplex transmission system. As understood by Applicant, *Kurobe et al.* discusses that a fixed-length field is divided into variable-length slots. That is, a change in a size of a second variable-length slot in the *Kurobe et al.* system is dependent on the presence or absence of sound data. A fixed-length multiplex frame of *Kurobe et al.* is divided into 3 segments, a "Header," a

¹ It is to be understood, of course, that the claim scope is not limited by the details of the described embodiments, which are referred to only to facilitate explanation.

"Variable-Length Slot 1," and a "Variable-Length Slot 2." The length of the Header is predetermined, and the length of the Variable-Length Slot 1 is dependent upon the method used for coding audio data. Apparently, when the method used is G.723, the Variable-Length Slot 1 is fixed at 20-bytes in length. The length of the Variable-Length Slot 2 is then the difference between the length of the fixed-length multiplex frame and the combination of the Header and Variable-Length Slot 1 segments.

The Examiner in section 1 of the Office Action states that the abstract of *Kurobe et al.* teaches that image data is divided into packets dependent upon a ratio of an amount of image data to an amount of sound data. In section 3 of the Office Action, the Examiner equates the Abstract of *Kurobe et al.*, variable length data (video data) is changed depending on the length of fixed-length data (audio data), with image data is divided into packets dependent upon a ratio of an amount of image data to an amount of sound data, as recited in the independent claims.

Applicant's understanding of the abstract of *Kurobe et al.* is that the length of Variable-Length Slot 1 is either a fixed length or zero, and the length of Variable-Length Slot 2 is "increased/decreased depending on the length of the Variable-Length Slot 1." That is, *Kurobe et al.* merely teaches that the length of the video slot (Variable-Length Slot 2) varies depending on the length of the audio slot (Variable-Length Slot 1). However, this is not suggestive of or equivalent to the claimed feature of using a ratio of an amount of image data to an amount of sound data when dividing image data into packets.

Applicant asserts that nothing in *Kurobe et al.* is believed to disclose or suggest taking into consideration both the amount of sound data and the amount of image data when dividing image data into packets. Therefore, one of ordinary skill in the relevant

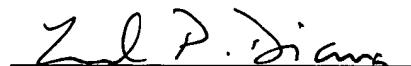
art would find no suggestion in *Kurobe et al.* to use a ratio of such amounts when dividing image data into packets.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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